Federal Communications Commission
Washington, DC 20554

Comments Re: WP Docket No. 07-100 (FCC 07-85)
(Amendment of Part 90 of the Commission's Rules)

Thank you for the opportunity to provide comments on the proposals made in the above docket.

Section II. A. Paragraphs 4,5, and 6: Paging

As noted by the Commission in this NPRM, paging and voice operations on the VHF public safety frequencies have co-existed for decades with little problem. Paging on these frequencies by local fire and EMS services is widespread and there is no other economically viable alternative for many. This is due in large part to the fact that for most public safety entities, paging and voice dispatch are handled on the same radio system. To require that paging move to another band would require purchase of another entire infrastructure and field units. It would also separate the paging and voice functions, which would hamper the operational capability of many fire and EMS services. A total elimination of paging operations on VHF public safety frequencies would irreparably harm thousands of public safety operations nationwide. Two less drastic solutions do have some merit.

"High volume" paging, as noted in the NPRM, can fully occupy a given channel in a local area. It would be prudent to restrict this type of paging to specified channels, such as is common on 163.25 MHz and 152.0075 MHz under §90.20c(3), Footnote 13. Designation by the Commission of other frequencies for this specific purpose would be desirable. As an example, "high volume" paging operations could be defined as those actually transmitting paging tones more than 5% of available air time (1.2 Hours per day).

It would also be prudent to limit or restrict paging of any type on certain, but strictly limited, public safety frequencies. Only those frequencies designated on a national basis for specific uses that are not compatible with paging operations should be considered. These would include 155.34 MHz (as noted in the NPRM), 155.475 MHz (footnote 41), and the five National Interoperability channels (V-Call, V-Tac1, etc.) To include other channels that may be designated on a state or regional basis in a nationwide ban on paging operations would impose an undue hardship on countless existing public safety radio operations. Given the short range nature of VHF systems, state or regional plans or usage have little effect on other states or regions.

It cannot be emphasized enough that paging operations that are typical for fire and EMS services to alert off-duty personnel are a vital component of the radio usage of thousands of public safety licensees in the nation. Additionally, there are few affordable alternatives available to use of VHF public safety frequencies. This use of public safety frequencies for low volume alert paging is not problematic and should not be overly restricted.

Section II, Paragraph 8, Mobile Repeaters

We agree with the Commission's Proposed changes. Although not specifically mentioned in this NPRM, it would be helpful if the Commission's rules were modified to allow public safety entities to be eligible for use of frequencies in the Industrial / Business pool only for purposes of operation of a mobile repeater system. There are B/ILT pool frequencies that, due to their separation from most VHF public safety frequencies, would be ideal for use as low power, "in-band", VHF mobile repeater frequencies (i.e. 173.225, 173,275, 173,325, and 173.375 Mhz). Similar frequencies do not exist in the public safety pool. The use of an "in-band" system allows use of the same handheld radio for both direct transmissions and transmissions repeated through the vehicle, as needed. It eliminates the need for purchase of a separate (different band) radio used only for the mobile repeater system. This type of cost savings is vital for many small, rural public safety entities.

Recently, an applicant in a rural area of Michigan was denied a request for a Rule Waiver to allow this type operation. The Commission in it's denial stated that critical public safety communications should not be placed on the more crowded Industrial / Business channels. It also asserted that it was not in the public interest to allow public safety licensees to use Industrial / Business pool frequencies. One must ask, what could be more in the public interest than allowing a public safety entity to utilize unused frequencies for essential public safety operations? In this case, the applicant (File #0002382032) still has very inadequate communications to police, fire and EMS personnel when outside of their vehicles.

It is well within the capability of applicants and frequency coordinators to seek out frequencies in the Industrial Business pool that are not being used in a given area and which would be suitable for public safety use. In the case cited above, although the frequency sought was not being used for nearly 100 miles around the proposed location and had never been licensed anywhere close to that area, the Commission still denied this vital public safety use. This very limited and focused change to the Commission's rules would provide a great deal of flexibility to public safety entities, and would represent a clear benefit to the public they serve.

Section II, Paragraph 15, Disturbance of AM Broadcast Station Antenna Patterns

We oppose a change in the Commission rules to require Part 90 licensees, particularly public safety licensees, to bear the financial burden of detuning. It should be an important consideration that an AM Broadcast license, notwithstanding the "public service" requirements in the Commission's Rules, is essentially a "license to make money". The same can be said for Part 22 licensees, who are currently required to bear the cost of AM detuning.

In the case of public safety eligibles, most are either operated by local units of government or are non-profit entities. Their status and funding are entirely different from that of broadcasters and commercial radio service providers. It is not a stretch of logic to assert that requiring a governmental or non-profit entity to pay for AM Detuning means that public or charitable funds will contribute to the profit of a private entity. At a minimum, any existing antenna structure used for public safety purposes should be "grand fathered" from any requirement for bearing the cost of de-tuning. For newly constructed towers, it would be acceptable to require that a tower owner be required to permit de-tuning apparatus to be placed on a tower, but the cost must be solely borne by the AM Broadcast licensee.

Thank you for the opportunity to comment on these issues. These changes and editorial "cleanups" to Part 90 are appreciated.

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